IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: Sunny K. Yee | § | Group Art Unit: 2143 |
| Serial No.: 10/676,328 | § | Confirmation No.: 6488 |
| Filed: October 1, 2003 | § | Examiner: Jean Gilles, Jude |
| Method and Apparatus for Supporting Preprocessing in a Web Presentation Architecture | § | Atty. Docket: 200207078-1 NUHP:0118/SWA |

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| Date | Tait R. Swanson<br>Reg. No. 48,226 |

# APPEAL BRIEF PURSUANT TO 37 C.F.R. §§ 41.31 AND 41.37

Dear Sir:

Appellant hereby files this Appeal Brief in furtherance to the Notice of Appeal and the Appeal Brief Request for Review filed on December 11, 2007, and also in furtherance to the Notice of Panel Decision from Pre-Appeal Brief Review mailed on February 13, 2008.

The Commissioner is authorized to charge the requisite fee of $510.00 for this Appeal Brief, and any additional fees which may be necessary to advance prosecution of the present application, to Deposit Account No. 08-2025; Order No. 200207078-1.

1. **REAL PARTY IN INTEREST**

The real party in interest is Hewlett-Packard Development Company, L.P. (hereafter "HPDC"), a Texas Limited Partnership having its principal place of business in Houston, Texas and the Assignee of the above-referenced application. Accordingly, HPDC, as the Assignee of the above-referenced application, will be directly affected by the Board's decision in the pending appeal. The undersigned is Appellant's legal representative in this Appeal.

2. **RELATED APPEALS AND INTERFERENCES**

Appellant is unaware of any other appeals or interferences related to this Appeal, as indicated by "none" in the related proceedings appendix (10).

3. **STATUS OF CLAIMS**

Claims 1-23 are currently pending and under final rejection. Thus, claims 1-23 are the subject of this Appeal.

4. **STATUS OF AMENDMENTS**

Appellant did not file any amendments after the Final Office Action mailed on September 11, 2007. Accordingly, there are no outstanding after final amendments.

5. **SUMMARY OF CLAIMED SUBJECT MATTER**

The following provides a concise explanation of the subject matter defined in each of the claims involved in the appeal, referring to the specification by paragraph number and to the drawings by reference characters, as required by 37 C.F.R. § 41.37(c)(1)(v). Each element of the claims is identified by a corresponding reference to the specification and drawings where applicable. Note that the citation to passages in the specification and drawings for each claim element does not imply that the limitations from the specification and drawings should be read into the corresponding claim element. The Application contains four independent claims, namely, claims 1, 9, 14, and 18, all of which are the subject of this Appeal. The subject matter of these claims is summarized below.

With regard to the aspect of the invention set forth in independent claim 1, discussions of the recited features of claim 1 can be found at least in the below cited locations of the specification and drawings. By way of example, an embodiment in accordance with claim 1 provides a system (e.g., web presentation architecture (WPA) 100) having a controller (e.g., WPA controller 102) that is adapted to receive a request (e.g., request 148) for data from a user during a user session at a portal (e.g., client 14), a preprocessor (e.g., pre-processor 104) that is adapted to search for a preprocessor action associated with a portal registered to the request, wherein the controller invokes the preprocessor before processing the request for data. *See, e.g.,* Application, FIGS. 2-5; paragraphs [0018] - [0044].

With regard to the aspect of the invention set forth in independent claim 9, discussions of the recited features of claim 9 can be found at least in the below cited locations of the specification and drawings. By way of example, an embodiment in accordance with claim 9 provides a method for creating applications, including creating, with a processor-based device, a model-view-controller architecture (e.g., web presentation architecture (WPA) 100) comprising a controller (e.g., WPA controller 102) that receives requests for data from users (e.g., client 14) and responds to the requests by obtaining requested data; and providing a preprocessor manager (e.g., pre-processor 104) that executes a desired action (e.g., preprocessor action class 202) to produce information accessible by the controller for a desired time of incoming user requests (e.g., request 148). *See, e.g.,* Application, FIGS. 2-5; paragraphs [0018] – [0044].

With regard to the aspect of the invention set forth in independent claim 14, discussions of the recited features of claim 14 can be found at least in the below cited locations of the specification and drawings. By way of example, an embodiment in accordance with claim 14 provides a system for creating applications including a means (e.g., control and flow logic 24) for creating a controller that provides control functions for an application, the controller being adapted to receive a request (e.g., request 148) for data from a user (e.g., client 14) and respond to the request by

processing the request to obtain the requested data; and means (e.g., pre-processor 104) for preprocessing an action to produce session-scoped information accessible by the controller, wherein preprocessing the action is performed prior to the controller processing the request to obtain the requested data. *See, e.g.,* Application, FIGS. 2-5; paragraphs [0018] - [0044].

With regard to the aspect of the invention set forth in independent claim 18, discussions of the recited features of claim 18 can be found at least in the below cited locations of the specification and drawings. By way of example, an embodiment in accordance with claim 18 provides a program for creating applications, including a machine readable medium; a controller logic (e.g., WPA controller 102) stored on the machine readable medium and adapted to receive and process a user request for data(e.g., request 148); and a preprocessor manager (e.g., pre-processor 104) stored on the machine readable medium and adapted to receive a request from the controller logic to invoke an action class (e.g., preprocessor action classes 202) prior to the controller logic processing the user requests. *See, e.g.,* Application, FIGS. 2-5; paragraphs [0018] - [0044].

## 6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

**Ground of Rejection for Review on Appeal:**

Appellant respectfully urges the Board to review and reverse the Examiner's only ground of rejection in which the Examiner rejected claims 1-23 under 35 U.S.C. § 103(a) as being unpatentable over Hanzek (U.S. Patent No. 6,980,963, hereinafter "Hanzek") in view of Klevenz et al. (U.S. Publication No. 20030137540 A1, hereinafter "Klevenz").

## 7. ARGUMENT

As discussed in detail below, the Examiner has improperly rejected the pending claims. Further, the Examiner has misapplied long-standing and binding legal precedents and principles in rejecting the claims under Section 103. Accordingly, Appellant respectfully requests full and favorable consideration by the Board, as Appellant strongly believes that claims 1-23 are currently in condition for allowance.

### A. Ground of Rejection:

The Examiner rejected claims 1-23 under 35 U.S.C. § 103(a) as being unpatentable over Hanzek in view of Klevenz. Appellant stresses that the Examiner's rejection is flawed in view of the legal precedent and reasons set forth below.

***Legal Precedent***

The pending claims must be given an interpretation that is reasonable and consistent with the *specification*. *See In re Prater*, 415 F.2d 1393, 1404-05, 162 U.S.P.Q. 541, 550-51 (C.C.P.A. 1969) (emphasis added); *see also In re Morris,* 127 F.3d 1048, 1054-55, 44 U.S.P.Q.2d 1023, 1027-28 (Fed. Cir. 1997); *see also* M.P.E.P. §§ 608.01(o) and 2111. Indeed, the specification is "the primary basis for construing the claims." *See Phillips v. AWH Corp.*, No. 03-1269, -1286, at 13-16 (Fed. Cir. July 12, 2005) (*en banc*). One should rely *heavily* on the written description for guidance as to the meaning of the claims. *See id.*

Interpretation of the claims must also be consistent with the interpretation that *one of ordinary skill in the art* would reach. *See In re Cortright*, 165 F.3d 1353, 1359, 49 U.S.P.Q.2d 1464, 1468 (Fed. Cir. 1999); M.P.E.P. § 2111. "The inquiry into how a person of ordinary skill in the art understands a claim term provides an objective baseline from which to begin claim interpretation." *See Collegenet, Inc. v. ApplyYourself, Inc.*, 418 F.3d 1225, 75 U.S.P.Q.2d 1733, 1738 (Fed. Cir. 2005) (quoting *Phillips v. AWH Corp.*, 75 U.S.P.Q.2d 1321, 1326). The Federal Circuit has made clear that derivation of a claim term must be based on "usage in the ordinary and accustomed meaning of the words amongst artisans of ordinary skill in the relevant art." *See id.*

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). In addressing obviousness determinations under 35 U.S.C. § 103, the Supreme Court in *KSR International Co. v. Teleflex Inc.*, No. 04-1350 (April 30, 2007), reaffirmed many of its precedents relating to obviousness including its holding in *Graham v. John Deere Co.*, 383 U.S. 1 (1966). In *Graham*, the Court set out an objective analysis for applying the statutory language of §103:

> Under §103, the scope and content of the prior art are to be determined, differences between the prior art and the claims at issue are to be ascertained, and the level of ordinary skill in the pertinent art are to be resolved. Against this background the obviousness or non-obviousness of the subject matter is to be determined. Such secondary considerations as commercial success, long-felt but unresolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented. *KSR*, *slip op.* at 2 (citing *Graham*, 383 U.S. at 17-18).

In *KSR*, the Court also reaffirmed that "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." *Id.* at 14. In this regard, the *KSR* court stated that "it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does ... because inventions in most, if not all, instances rely upon

building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known." *Id.* at 14-15. Traditionally, to establish a *prima facie* case of obviousness, the CCPA and the Federal Circuit have required that the prior art not only include all of the claimed elements, but also some teaching, suggestion, or motivation to combine the known elements in the same manner set forth in the claim at issue. *See, e.g., ASC Hospital Systems Inc. v. Montifiore Hospital,* 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984) (holding that obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination.); *In re Mills,* 16 U.S.P.Q.2d 1430, 1433 (Fed. Cir. 1990) (holding that the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination). In *KSR*, the court noted that the demonstration of a teaching, suggestion, or motivation to combine provides a "helpful insight" in determining whether claimed subject matter is obvious. *KSR, slip op.* at 14. However, the court rejected a *rigid* application of the "TSM" test. *Id.* at 11. In this regard, the court stated:

> The obviousness analysis cannot be confined by a formalistic conception of the words teaching, suggestion, and motivation, or by overemphasis on the importance of published articles and explicit content of issued patents. The diversity of inventive pursuit and of modern technology counsels against limiting the analysis in this way. In many fields it may be that there is little discussion of obvious techniques or combinations, and it often may be the case that market demand, rather than scientific literature, will drive design trends. *Id.* at 15.

In other words, the *KSR* court rejected a rigid application of the TSM test which requires that a teaching, suggestion or motivation to combine elements in a particular manner must be explicitly found in the cited prior art. Instead, the *KSR* court favored a more expansive view of the sources of evidence that may be considered in determining an apparent reason to combine known elements by stating:

> Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art all in order to determine whether there was an apparent reason to combine in

the known elements in the fashion claimed in the patent at issue. *Id.* at 14.

The *KSR* court also noted that there is not necessarily an inconsistency between the idea underlying the TSM test and the *Graham* analysis, and it further stated that the broader application of the TSM test found in certain Federal Circuit decisions appears to be consistent with *Graham*. *Id.* at 17-18 (citing *DyStar Textilfarben GmbH and Co. v. C.H. Patrick Co.,* 464 F.3d 1356, 1367 (2006) ("Our suggestion test is in actuality quite flexible and not only permits but *requires* consideration of common knowledge and common sense"); *Alza Corp. v. Mylan Labs, Inc.,* 464 F.3d 1286, 1291 (2006) ("There is flexibility in our obviousness jurisprudence because a motivation may be found *implicitly* in the prior art. We do not have a rigid test that requires a teaching to combine ...")).

Furthermore, the *KSR* court did not diminish the requirement for objective evidence of obviousness. *Id.* at 14 ("To facilitate review, this analysis should be made explict. See *In re Kahn,* 441 F.3d 977, 988 (CA Fed. 2006) ("[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness"). As our precedents make clear, however, the analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ."); s*ee also, In re Lee,* 61 U.S.P.Q.2d 1430, 1436 (Fed. Cir. 2002) (holding that the factual inquiry whether to combine references must be thorough and searching, and that it must be based on *objective evidence of record*).

When prior art references require a selected combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gained from the invention itself, i.e., something in the prior art as a whole must suggest the desirability, and thus the obviousness, of making the combination. *Uniroyal Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 U.S.P.Q.2d 1434 (Fed. Cir. 1988). One cannot use hindsight reconstruction to pick and choose among isolated

disclosures in the prior art to deprecate the claimed invention. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). The Federal Circuit has warned that the Examiner must not, "fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher." *In re Dembiczak*, F.3d 994, 999, 50 U.S.P.Q.2d 52 (Fed. Cir. 1999) (quoting *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983)).

***Independent claim 1 recites features missing from the Hanzek and Klevenz references, taken alone or in hypothetical combination with one another.***

Independent claim 1 recites, *inter alia,* "a controller that is adapted to receive a request for data from a user...and a preprocessor that is adapted to search for a preprocessor action associated with a portal registered to the request, wherein the controller invokes the preprocessor before processing the request for data" (emphasis added).

First, the cited references, taken alone or in hypothetical combination, fail to tech or suggest "a controller that is adapted to receive a request for data from a user." Specifically, the Examiner relied on FIG. 3 of Hanzek, in combination with a passage from column 8, line 58 though column 9, line 14 of Hanzek. Final Office Action mailed September 11, 2007, p. 3. However, the Examiner does not mention which component of the Hanzek system relates to the controller. In the Office Action mailed March 8, 2007, the Examiner appeared to suggest on page 3 that the order processor 352 is similar to the controller, and to suggest on page 4 that the sales processor 332 is similar to the preprocessor. Accordingly, the Examiner presumably equated the order processor 352 to the controller. However, the order processor 352 of Hanzek reference does not include a controller that receives a request from a user. In contrast, FIG. 3 of Hanzek depicts a sales processor 332 that is in communication with a portal 318, and acts as an intermediary to the order processor 352. According to the logic previously presented by the Examiner, requests from a user are received by the pre-processor (e.g., the sales processor 332), as opposed to the controller (e.g., the order processor 352). Thus, the controller receives requests from the preprocessor

and does not receive requests from a user. For instance, as disclosed by Hanzek, vehicle order information submitted by a consumer is relayed from a portal 318 to the sales processor 332, and the sales processor 332 communicates associated order data to the order processor 352. *See* Hanzek, col. 8, ll. 46-48, 58-67. Accordingly, Hanzek does not teach or suggest a controller that receives a request from a user, as recited by the present independent claim 1, but instead discloses a controller that receives request from another processor (e.g., the sales processor 332).

Second, the cited references, taken alone or in hypothetical combination, fail to tech or suggest "a preprocessor that is adapted to search for a preprocessor action associated with a portal registered to the request, wherein the controller invokes the preprocessor before processing the request for data" (emphasis added). The Examiner acknowledged that Hanzek lacks this claim feature, but relied on Klevenz in an attempt to obviate this deficiency of Hanzek. However, Appellant contends that the neither Hanzek nor Klevenz discloses a preprocessor in accordance with the present independent claim 1. For example, the references do not disclose "the controller invokes the preprocessor before processing the request for data" (emphasis added), as recited in independent claim 1. In the Final Office Action, the Examiner equated the page processor 740 of Klevenz to the preprocessor and equated the dynamic page controller 760 of Klevenz to the controller. In fact, this interpretation is supported by the disclosure of Klevenz that states that the dynamic controller 760 "is a derived class that has the role of a controller." Klevenz, [0103]. However, as depicted in FIG. 7 and disclosed in paragraphs [0102]-[0105] of Klevenz, the page processor 740 is invoked prior to and independent of the dynamic page controller 760. For example, when a user selects a button, a request is passed to a page portal component 730, and the page processor 740 handles the request. *See* Klevenz, [0104]. Further, where event information is received by the page processor 740, the page processor 740 calls a generic event handler that "dispatches the event to the dynamic page controller 760" and the dynamic page controller dispatches the event to controls 790. Accordingly, the dynamic page controller 760 does not invoke a preprocessor (e.g., page processor 740) for processing the request for data. In fact, the page processor 740 (e.g., the preprocessor) invokes the dynamic page controller 760 (e.g., the controller). Thus,

neither Hanzek nor Klevenz teaches or suggests a controller that invokes the preprocessor before processing the request for data, as recited by the present independent claim 1, but, instead, at best the preprocessor invokes the controller.

Third, the cited references, taken alone or in hypothetical combination, fail to tech or suggest "preprocessor that is adapted to search for a preprocessor action associated with a portal" (emphasis added), as recited by independent claim 1. In fact, the Examiner does not address this limitation in any detail. As disclosed by the present application, examples of preprocessor actions associated with a portal may include a bridging action, an admission control action, and/or a locale setting action. *See*, e.g., Application, FIGS. 3; paragraphs [0036] - [0038]. Neither Hanzek nor Klevenz teaches or suggests these or similar preprocessor actions associated with a portal as recited by present independent claim 1.

In view of these deficiencies among others, the cited references, taken alone or in hypothetical combination, cannot render obvious the current independent claim 1 and its dependent claims.

***Independent claim 9 recites features missing from the Hanzek and Klevenz references, taken alone or in hypothetical combination with one another.***

Independent claim 9 recites, *inter alia,* "creating, with a processor-based device, a model-view-controller architecture comprising a controller that receives requests for data from users and responds to the requests by obtaining requested data; and providing a preprocessor manager that executes a desired action to produce information accessible by the controller for a desired time of incoming user requests" (emphasis added).

First, similar to the previous discussion with regard to independent claim 1, neither Hanzek nor Klevenz teaches or suggests a controller that receives a request from a user. Second, the references do not teach or suggest a model-view-controller architecture. In the Examiner's rejection of dependent claim 8 which includes similar limitations and recites, *inter alia,* "a model and a view separate from one another," the Examiner pointed to a section of the Hanzek reference (Hanzek, col. 14, lines 12-30)

that generally includes a system and method to "tag" a selected vehicle after viewing the vehicle to secure the purchase. However, the cited portion of the Hanzek reference (col. 14, lines 12-30) merely contemplates "hiding" data in the data import database 614 and does not disclose any changes to address the "view" presented to a user. For example, when a user selects a vehicle, the data is updated to reflect that the vehicle has been "tagged" by a purchaser and the associated data is not displayed to other users. In other words, the data is simply not displayed and the view of the data itself is not modified. Such a technique merely changes the data in the database such that the unit is no longer available to other users, but does not address the "view" presented to the user based on the data. The Klevenz reference does not obviate these deficiencies. Accordingly, neither Hanzek nor Klevenz teaches or suggests a model view control architecture as recited by present independent claim 9.

Third, the cited references, taken alone or in hypothetical combination, fail to tech or suggest "preprocessor manager that executes a desired action to produce information accessible by the controller for a desired time of incoming user requests" (emphasis added). Appellant notes that the Examiner has relied on several passage of Hanzek as disclosing the preprocessor manager and its limitations. However, Hanzek relates to a system of accepting a user request and retrieving the "real-time" information prior to the placement of the order. Hanzek, col. 2 lines 53-60. This includes relaying information between various processors, but does not teach or suggest a preprocessor that produces information accessible by the controller for a desired time of incoming user requests, in accordance with present independent claim 9. Further, Klevenz does not obviate this deficiency. At best, Klevenz includes dispatching an event between the page processor 740 and the dynamic page controller 760, but does not mention any period of time for which any information may be made available.

In view of these deficiencies among others, the cited references, taken alone or in hypothetical combination, cannot render obvious the current independent claim 9 and its dependent claims.

***Independent claim 14 recites features missing from the Hanzek and Klevenz references, taken alone or in hypothetical combination with one another.***

Independent claim 14 recites, *inter alia,* "means for creating a...controller being adapted to receive a request for data from a user...and means for preprocessing an action to produce session-scoped information accessible by the controller, wherein preprocessing the action is performed prior to the controller processing the request to obtain the requested data" (emphasis added)." Similar to the arguments presented above with regard to independent claim 1, Hanzek and Klevenz fail to teach or suggest each limitation recited by independent claim 14. For example, neither of the references teaches or suggests a controller (or a means for creating controller) adapted to receive a request for data from a user, nor do they teach or suggest preprocessing (or a means for preprocessing an action) performed prior to the controller processing the request to obtain the requested data. In contrast, as discussed with regard to independent claim 1, the cited references, at best disclose a preprocessor that receives a request from a user and subsequently invokes a controller based on the request.

In view of these deficiencies among others, the cited references, taken alone or in hypothetical combination, cannot render obvious the current independent claim 14 and its dependent claims.

***Independent claim 18 recites features missing from the Hanzek and Klevenz references, taken alone or in hypothetical combination with one another.***

Independent claim 18 recites, *inter alia*, "a controller logic... adapted to receive and process a user request for data; and a preprocessor manager...adapted to receive a request from the controller logic to invoke an action class prior to the controller logic processing the user request" (emphasis added). Similar to the arguments presented above with regard to independent claim 1, Hanzek and Klevenz fail to teach or suggest each limitation recited by independent claim 18. For example, neither of Hanzek nor Klevenz teaches or suggests a controller logic adapted to receive a user request for data, nor a preprocessor manager adapted to receive a request from the controller logic to invoke an action class prior to the controller logic processing the user request. In contrast, as discussed with regard to independent claim

1, the cited references, at best disclose a preprocessor that receives request from a user and subsequently invokes a controller based on the request. In view of these deficiencies among others, the cited references, taken alone or in hypothetical combination, cannot render obvious the current independent claim 18 and its dependent claims.

***Dependent Claim 5 recites features missing from the Hanzek and Klevenz references, taken alone or in hypothetical combination with one another.***

Dependent claim 5 recites, *inter alia*, "the preprocessor action comprises an architectural bridge adapted to facilitate communication between different server architectures" (emphasis added). In addition to the limitations of independent claim 1 discussed above, Hanzek and Klevenz fail to teach or suggest a preprocessor action comprising an architectural bridge. The Examiner suggested on page 5 of the Final Office Action that these limitations may be found in FIG. 3 and items 324, 354, and 356 of Klevenz. However, Appellants are unsure of how the Examiner is reaching this conclusion. Item 324 is a pricing database, item 354 is a status request processor, and item 356 is a protocol gateway. The Examiner has provided no explanation, and there appears to be no interrelation between these items and a preprocessor action. In view of these deficiencies among others, the cited references, taken alone or in hypothetical combination, cannot render obvious the current dependent claim 5.

***Dependent claims 6, 16 and 20 recites features missing from the Hanzek and Klevenz references, taken alone or in hypothetical combination with one another.***

Dependent claims 6, 16 and 20 generally recite limitations relating to an action by the preprocessor including "admission control." For example, dependent claim 6 recites, *inter alia*, "the preprocessor action comprises an admission control adapted to continue interaction with a desired server for the duration of the user session," dependent claim 16 recites, *inter alia*, "the means for preprocessing comprises means for controlling admission to a portal," and dependent claim 20 recites, *inter alia*, "the action class comprises a bridge, an admission control, a locale, or a combination thereof." As recited in the claims and disclosed in the specification, embodiments of the admission control action may ensure that the user remains at a particular server for the duration of a session. In this manner, the admission control action ensures that all

information stored on the server is available for the duration of the session. Application, [0037]. However, Hanzek and Klevenz do not teach or suggest such a limitation. The references generally relate to the transmittal of information between processors and servers, but make no mention of any form of admission control (e.g., ensuring that a user remains at a particular server for the duration of a session). In view of these deficiencies among others, the cited references, taken alone or in hypothetical combination, cannot render obvious the current claims 6, 16 and 20.

***Dependent claims 23 recites features missing from the Hanzek and Klevenz references, taken alone or in hypothetical combination with one another.***

Dependent claim 23 depends from claim 1 and recites, *inter alia*, "the preprocessor processes an action associated with the portal, the preprocessor redirects to a uniform resource identifier and the controller ignores the original request." (emphasis added). First, in addition to the limitations of independent claim 1 discussed above, Hanzek and Klevenz both fail to teach or suggest a preprocessor that redirects to a uniform resource identifier (URI). The Examiner suggested on page 9 of the Final Office Action that these limitations may be found in FIG. 7 and paragraph [0102] – [0105] of Klevenz. However, as discussed in these and other passages of Klevenz, the disclosed system is directed to dynamically generating a page for each request, and does not include an action that redirects to another page or uniform resource identifier. Klevenz, [0104]. Instead, Klevenz receives a request at the page processor 740, dispatches an event to the dynamic page controller 760, and the dynamic page controller 760 dispatches an event to controls 790, and subsequently modifies a pane stack 780. Accordingly, Klevenz dynamically generates a page, and does not redirect to a uniform resource identifier, as recited in the present dependent claim 23. Further, Hanzek does not teach or suggest such redirecting to a uniform resource identifier.

Second, Hanzek and Klevenz fail to teach or suggest the controller ignoring the original request after redirecting to a uniform resource identifier. In sharp contrast, Hanzek or Klevenz merely disclose completing a task based on a request, and do not disclose ignoring the original request. Once again, the Examiner

suggested on page 9 of the Final Office Action that these limitations may be found in FIG. 7 and paragraph [0102] – [0105] of Klevenz. However, Klevenz does not teach or suggest the controller ignoring the original request, as recited by the present claim 23. Klevenz merely discloses the controller responding to events and dynamically generating a page based on the event. Further, Hanzek does not teach or suggest ignoring the original request. For example, Hanzek considers generating a reply based on a consumer request and makes no mention of ignoring an original user request. Accordingly, neither Klevenz nor Hanzek teaches or suggests redirecting to a uniform resource identifier, or ignoring the original request, much less redirecting to a uniform resource identifier and the controller ignoring the original request, as recited by the present dependent claim 23.

In view of these deficiencies among others, the cited references, taken alone or in hypothetical combination, cannot render obvious the present dependent claim 23.

***Improper Combination - Lack of Objective Evidence of Reasons to Modify/Combine***

In addition, the Examiner has not shown objective evidence of the requisite motivation or suggestion to modify or combine the Hanzek and Klevenz references to reach the present claims. As summarized above, the *KSR* court did not diminish the requirement for objective evidence of obviousness. *KSR*, s*lip op.* at 14 ("To facilitate review, this analysis should be made explict. See *In re Kahn,* 441 F.3d 977, 988 (CA Fed. 2006) ("[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness"). As our precedents make clear, however, the analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ."); s*ee also, In re Lee,* 61 U.S.P.Q.2d 1430, 1436 (Fed. Cir. 2002) (holding that the factual inquiry whether to combine references must be thorough and searching, and that it must be based on *objective evidence of record*). In the present rejection, the Examiner combined Hanzek and Klevenz based on the *conclusory and subjective statement* that it would have been obvious "to one of ordinary skill in the

networking art at the time the invention was made to have incorporated Hanzek's teachings of preprocessing a portal request prior to registering the request with the teachings of Klevenz, for the purpose of "...allowing the controls from the controller to be centrally rendered, which provides for consistent rendering of the controls, thereby providing support messaging between the controls, through requests." Final Office Action, page 4. However, the Examiner did not cite any objective evidence or provide any articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. In view of these deficiencies, among others, Appellant respectfully stresses that the Examiner has not presented a *prima facie* case of obviousness. Accordingly, Appellant respectfully requests withdrawal of the foregoing combination and the corresponding rejections under 35 U.S.C. § 103.

For these reasons, among others, Appellant respectfully requests withdrawal of the foregoing combination and the corresponding rejections under 35 U.S.C. § 103.

**Conclusion**

Appellant respectfully submits that all pending claims are in condition for allowance. However, if the Examiner or Board wishes to resolve any other issues by way of a telephone conference, the Examiner or Board is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

Date: March 13, 2008

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## 8. APPENDIX OF CLAIMS ON APPEAL

### Listing of Claims:

1. (Previously Presented) A system comprising:

a controller that is adapted to receive a request for data from a user during a user session at a portal; and

a preprocessor that is adapted to search for a preprocessor action associated with a portal registered to the request, wherein the controller invokes the preprocessor before processing the request for data.

2. (Previously Presented) The system set forth in claim 1, wherein the preprocessor is a subcomponent of the controller.

3. (Previously Presented) The system set forth in claim 1, wherein the preprocessor is adapted to map the preprocessor action to the portal.

4. (Previously Presented) The system set forth in claim 1, wherein the preprocessor is adapted to instantiate a session-scoped object for the preprocessor action.

5. (Original) The system set forth in claim 1, wherein the preprocessor action comprises an architectural bridge adapted to facilitate communication between different server architectures.

6. (Original) The system set forth in claim 1, wherein the preprocessor action comprises an admission control adapted to continue interaction with a desired server for the duration of the user session.

7. (Original) The system set forth in claim 1, wherein the preprocessor action comprises a locale setting control adapted to set locale information for the duration of the user session.

8. (Original) The system set forth in claim 1, comprising a model and a view separate from one another and separate from the controller, wherein the model is adapted to provide an application state for the application and the view is adapted to provide a view presentation for the application.

9. (Previously Presented) A method of creating applications, the method comprising:

creating, with a processor-based device, a model-view-controller architecture comprising a controller that receives requests for data from users and responds to the requests by obtaining requested data; and

providing a preprocessor manager that executes a desired action to produce information accessible by the controller for a desired time of incoming user requests.

10. (Previously Presented) The method set forth in claim 9, comprising configuring the preprocessor manager to execute the desired action before the controller processes the incoming user requests.

11. (Original) The method set forth in claim 9, comprising mapping the desired action to a portal.

12. (Original) The method set forth in claim 9, comprising eliminating repetitious execution of the desired action for each of the incoming requests.

13. (Original) The method set forth in claim 9, comprising configuring the preprocessor manager to instantiate a session-scoped object for the desired action during preprocessor startup.

14. (Previously Presented) A system for creating applications, the system comprising:

means for creating a controller that provides control functions for an application, the controller being adapted to receive a request for data from a user and respond to the request by processing the request to obtain the requested data; and

means for preprocessing an action to produce session-scoped information accessible by the controller, wherein preprocessing the action is performed prior to the controller processing the request to obtain the requested data.

15. (Original) The system set forth in claim 14, wherein the means for preprocessing comprises means for bridging communication between at least two architectures.

16. (Original) The system set forth in claim 14, wherein the means for preprocessing comprises means for controlling admission to a portal.

17. (Original) The system set forth in claim 14, wherein the means for preprocessing comprises means for setting locale information.

18. (Previously Presented) A program for creating applications, comprising:

a machine readable medium;

a controller logic stored on the machine readable medium and adapted to receive and process a user request for data; and

a preprocessor manager stored on the machine readable medium and adapted to receive a request from the controller logic to invoke an action class prior to the controller logic processing the user request.

19. (Previously Presented) The program set forth in claim 18, wherein the controller logic is adapted to receive a user request for data from users and respond to the user request by obtaining the requested data.

20. (Previously Presented) The program set forth in claim 18, wherein the action class comprises a bridge, an admission control, a locale, or a combination thereof.

21. (Previously Presented) The program set forth in claim 18, wherein the action class is mapped to a portal and is adapted to execute logic common to the portal to provide a reusable setting.

22. (Previously Presented) The system set forth in claim 1, wherein the preprocessor processes an action associated with the portal, and the controller continues with the original request once the processing of the action is complete.

23. (Previously Presented) The system set forth in claim 1, wherein the preprocessor processes an action associated with the portal, the preprocessor redirects to a uniform resource identifier and the controller ignores the original request.

9. **EVIDENCE APPENDIX**

None.

10. **RELATED PROCEEDINGS APPENDIX**

None.